

SUBSTITUTE FOR
HOUSE BILL NO. 5063

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 22e, 32, 477, 480, 558, and 560b (MCL 168.22e,
168.32, 168.477, 168.480, 168.558, and 168.560b), section 22e as
added by 1995 PA 261, section 477 as amended by 1999 PA 219, and
section 558 as amended and section 560b as added by 2002 PA 163,
and by adding section 483a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22e. (1) The board of state canvassers shall meet to
2 consider and approve a statement of the purpose of a proposed
3 constitutional amendment or other ballot question prepared pursuant
4 to ~~sections~~ **SECTION** 32. and ~~474.~~ The board of state canvassers
5 shall give not less than 3 full business days' notice to the public
6 of a meeting held under this subsection. The board of state
7 canvassers shall also give not less than 3 full business days'

1 notice to all of the following:

2 (a) The legally or generally recognized sponsor of the
3 proposed constitutional amendment or other ballot question, if any.

4 (b) The legislative sponsor of the proposed constitutional
5 amendment or ballot question, if any.

6 (c) The senate majority leader.

7 (d) The speaker of the house of representatives.

8 (e) The minority leaders of the senate and the house of
9 representatives.

10 (f) A legislator who does not receive notice under
11 subdivisions (c), (d), or (e).

12 (2) The board of state canvassers shall publicly request and
13 allow a person described in subsection (1)(a) or (b), or a
14 representative of that person, to address a meeting held under this
15 section.

16 Sec. 32. (1) ~~There is hereby continued in~~ **IN** the office of the
17 secretary of state, the bureau of elections created by ~~Act No. 65~~
18 ~~of the Public Acts of 1951,~~ **FORMER 1951 PA 65 CONTINUES** under the
19 supervision of a director of elections, to be appointed by the
20 secretary of state under civil service regulations. The director of
21 elections shall be vested with the powers and shall perform the
22 duties of the secretary of state under his **OR HER** supervision, with
23 respect to the supervision and administration of the election laws.
24 The director of elections shall be a nonmember secretary of the
25 state board of canvassers.

26 (2) The director of elections, with the approval of the state
27 board of canvassers, shall prepare a statement for designation on

1 the ballot in not more than 100 words, exclusive of caption, of the
2 purpose of any proposed amendment or question ~~to~~ to be submitted to
3 the electors as required under **SECTION 9 OF ARTICLE II, SECTION 34**
4 **OF ARTICLE IV, OR** section 1 OR 2 of article ~~12~~**XII** of the state
5 constitution **OF 1963**. The powers and duties of the state board of
6 canvassers and the secretary of state with respect to the
7 preparation of ~~such~~**THE** statement are ~~hereby~~ transferred to the
8 director of elections. **THE SECRETARY OF STATE SHALL CERTIFY THE**
9 **STATEMENT OF THE PURPOSE OF ANY PROPOSED AMENDMENT OR QUESTION TO**
10 **BE SUBMITTED TO THE ELECTORS NOT LATER THAN 60 DAYS BEFORE THE DATE**
11 **OF THE ELECTION.**

12 Sec. 477. (1) The board of state canvassers shall make an
13 official declaration of the sufficiency or insufficiency of a
14 petition under this chapter at least 2 months before the election
15 at which the proposal is to be submitted. If the board of state
16 canvassers declares that the petition is sufficient, the secretary
17 of state shall send copies of the statement of purpose of the
18 proposal as approved by the board of state canvassers ~~under section~~
19 ~~474~~ to the several daily and weekly newspapers published in this
20 state, with the request that the newspapers give as wide publicity
21 as possible to the proposed amendment or other question.
22 Publication of any matter by any newspaper under this section shall
23 be without expense or cost to the state of Michigan.

24 (2) For the purposes of the second paragraph of section 9 of
25 article II of the state constitution of 1963, a law that is the
26 subject of the referendum continues to be effective until the
27 referendum is properly invoked, which occurs when the board of

1 state canvassers makes its official declaration of the sufficiency
 2 of the referendum petition. The board of state canvassers shall
 3 complete the canvass of a referendum petition within 60 days after
 4 the petition is filed with the secretary of state, except that 1
 5 15-day extension may be granted by the secretary of state if
 6 necessary to complete the canvass.

7 Sec. 480. ~~Whenever~~ **IF** a proposed constitutional amendment or
 8 other special question is to be submitted to the electors of ~~the~~
 9 **THIS** state for a popular vote, the secretary of state shall, not
 10 less than ~~49~~ **60** days before the **DATE OF THE** election **AT WHICH THE**
 11 **PROPOSED CONSTITUTIONAL AMENDMENT OR OTHER SPECIAL QUESTION IS TO**
 12 **BE SUBMITTED**, certify the ~~same~~ **STATEMENT OF THE PURPOSE FOR**
 13 **DESIGNATION ON THE BALLOT** to the clerk of each county in ~~the~~ **THIS**
 14 state, together with the form in which ~~such~~ **THE CONSTITUTIONAL**
 15 amendment or other special questions shall be ~~submitted~~ **PRINTED ON**
 16 **THE BALLOT**. The secretary of state shall also furnish the ~~several~~
 17 county clerks in ~~the~~ **THIS** state 2 copies of the text of each
 18 **CONSTITUTIONAL** amendment or **OTHER SPECIAL** question and 2 copies of
 19 each ~~said~~ statement for each voting precinct in their respective
 20 counties. ~~The~~ **EACH** county clerk shall furnish the ~~said~~ copies of
 21 ~~such~~ **THE** statement to the ~~several~~ township and city clerks in his
 22 **OR HER** county at the time other supplies for the election are
 23 furnished. ~~and each such~~ **EACH** township or city clerk shall,
 24 before the opening of the polls on election day, deliver the copies
 25 of ~~such~~ **THE** text and statement to which each voting precinct in his
 26 **OR HER** township or city is entitled to the board of election
 27 inspectors of ~~said~~ **THE** precinct, who shall post the same in

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1 conspicuous places in the room where ~~such~~ **THE** election is held.

2 **SEC. 483A. (1) [SUBJECT TO SUBSECTION (9), A] PETITION PROPOSING**
3 **[A CONSTITUTIONAL AMENDMENT, INITIATION OF LEGISLATION, OR REFERENDUM OF]**
4 **LEGISLATION SHALL BE SUBMITTED TO THE**

5 **DIRECTOR OF ELECTIONS FOR REVIEW BEFORE BEING CIRCULATED. WHEN**
6 **SUBMITTED, THE PETITION FORM SHALL BE ACCOMPANIED BY AN AFFIDAVIT**
7 **EXECUTED BY THE PRINTER WHO PREPARED THE PETITION FORM ATTESTING**
8 **THAT THE TYPE SIZES USED ON THE FORM COMPLY WITH THE TYPE SIZE**
9 **REQUIREMENTS SPECIFIED UNDER SECTION 482. UPON RECEIPT OF A**
10 **PETITION, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE**
11 **PETITION COMPLIES WITH ALL APPLICABLE FORMATTING REQUIREMENTS. IF A**
12 **STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL APPEARS ON**
13 **THE FORM, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE**
14 **STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL. THE**
15 **DIRECTOR OF ELECTIONS SHALL PREPARE A WRITTEN REPORT CONCERNING THE**
16 **REVIEW OF THE PETITION FORM FOR PRESENTATION TO THE BOARD OF STATE**
17 **CANVASSERS. THE WRITTEN REPORT SHALL INCLUDE A COPY OF THE PETITION**
18 **FORM, THE AFFIDAVIT SUBMITTED BY THE PRINTER WHO PREPARED THE**
19 **PETITION FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS THAT THE**
20 **PETITION COMPLIES WITH THE APPLICABLE FORMATTING REQUIREMENTS, AND,**
21 **IF A STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL**
22 **APPEARS ON THE FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS**
23 **THAT THE STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE**
24 **PROPOSAL.**

25 **(2) THE BOARD OF STATE CANVASSERS SHALL MEET WITHIN 30 DAYS**
26 **AFTER THE PETITION SPONSOR SUBMITS THE PETITION TO THE DIRECTOR OF**
27 **ELECTIONS FOR REVIEW TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR**
OF ELECTIONS AND TO CONSIDER THE APPROVAL OF THE PETITION FORM. IF

1 THE DIRECTOR OF ELECTIONS REQUESTS A REVISION OF THE PETITION
2 DURING THE COURSE OF THE REVIEW PROCESS, THE BOARD OF STATE
3 CANVASSERS SHALL MEET WITHIN 30 DAYS AFTER THE PETITION SPONSOR
4 SUBMITS THE FINAL PETITION REVISION REQUESTED BY THE DIRECTOR OF
5 ELECTIONS. THE BOARD OF STATE CANVASSERS SHALL NOT MEET TO CONSIDER
6 THE APPROVAL OF THE PETITION FORM UNLESS AND UNTIL THE DIRECTOR OF
7 ELECTIONS CERTIFIES THAT THE PETITION COMPLIES WITH THE APPLICABLE
8 FORMATTING REQUIREMENTS AND, IF A STATEMENT DESCRIBING THE SUBJECT
9 MATTER OF THE PROPOSAL APPEARS ON THE FORM, THAT THE STATEMENT
10 FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL.

11 (3) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO
12 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR MAY PROCEED
13 WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE
14 PETITION THAT ARE DATED BEFORE THE DATE THE BOARD OF STATE
15 CANVASSERS APPROVES THE FORM OF THE PETITION ARE INVALID.

16 (4) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO NOT
17 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR SHALL NOT
18 CIRCULATE THE PETITION FOR THE COLLECTION OF SIGNATURES. ANY
19 SIGNATURES AFFIXED TO A PETITION FORM NOT APPROVED BY THE BOARD OF
20 STATE CANVASSERS ARE INVALID. THE MOTION ENTERED TO NOT APPROVE THE
21 FORM OF THE PETITION SHALL SPECIFY THE DEFICIENCIES IDENTIFIED IN
22 THE PETITION FORM. THE PETITION SPONSOR MAY CORRECT THE PETITION
23 FORM AND RESUBMIT THE PETITION FORM TO THE DIRECTOR OF ELECTIONS
24 FOR REVIEW AND RECONSIDERATION. THE BOARD OF STATE CANVASSERS SHALL
25 MEET TO CONSIDER THE APPROVAL OF THE CORRECTED PETITION FORM WITHIN
26 30 DAYS AFTER THE PETITION SPONSOR SUBMITS THE CORRECTED PETITION
27 FORM TO THE DIRECTOR OF ELECTIONS.

1 (5) IF THE BOARD OF STATE CANVASSERS FAILS TO MEET TO RECEIVE
2 THE REPORT PREPARED BY THE DIRECTOR OF ELECTIONS WITHIN THE
3 PRESCRIBED 30-DAY TIME PERIOD PROVIDED IN SUBSECTION (2) OR IF THE
4 BOARD MEETS TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR OF
5 ELECTIONS WITHIN THE 30-DAY TIME PERIOD AND FAILS TO ADOPT A MOTION
6 TO APPROVE OR NOT APPROVE THE PETITION FORM BECAUSE OF A DEADLOCK
7 OR ANY OTHER REASON, THE PETITION SPONSOR MAY PROCEED WITH
8 CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE PETITION
9 THAT ARE DATED ON OR BEFORE THE DATE THE 30-DAY TIME PERIOD ELAPSED
10 OR ARE DATED ON OR BEFORE THE DATE THE BOARD OF STATE CANVASSERS
11 MET TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR OF ELECTIONS, IF
12 AN EARLIER DATE, ARE INVALID. IF THE PETITION FORM IS SUBSEQUENTLY
13 USED TO SUBMIT A FILING TO THE SECRETARY OF STATE, THE PETITION
14 FORM SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF STATE
15 CANVASSERS AS A PART OF THE CANVASS OF THE PETITION FOR
16 SUFFICIENCY.

17 (6) THE SUBSTANCE OF THE PROPOSAL APPEARING ON A PETITION
18 SUBMITTED TO THE DIRECTOR OF ELECTIONS SHALL NOT BE SUBJECT TO
19 REVIEW OR CONSIDERATION BY THE DIRECTOR OF ELECTIONS OR THE BOARD
20 OF STATE CANVASSERS. IF THE PETITION BEARS A STATEMENT DESCRIBING
21 THE SUBJECT MATTER OF THE PROPOSAL, THE STATEMENT SHALL NOT BE
22 SUBJECT TO REVIEW OR CONSIDERATION BY THE BOARD OF STATE
23 CANVASSERS.

24 (7) AFTER A PETITION FORM IS APPROVED BY THE BOARD OF STATE
25 CANVASSERS, THE PETITION SHALL NOT BE ALTERED OR MODIFIED IN ANY
26 WAY PRIOR TO OR DURING THE CIRCULATION OF THE PETITION, EXCEPT FOR
27 ANY TEAR-OFF SHEETS THAT PROVIDE FOR DIRECTORY INFORMATION.

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1 (8) ANY PERSON WHO FEELS AGGRIEVED BY A DETERMINATION MADE BY
2 THE DIRECTOR OF ELECTIONS OR THE BOARD OF STATE CANVASSERS RELATIVE
3 TO THE FORM OF A PETITION OR THE STATEMENT DESCRIBING THE SUBJECT
4 MATTER OF THE PROPOSAL APPEARING ON THE PETITION, IF ANY, MAY HAVE
5 THE DETERMINATION REVIEWED ON APPEAL BY THE MICHIGAN COURT OF
6 APPEALS ON AN EXPEDITED BASIS.

[(9) THIS SECTION DOES NOT APPLY TO A PETITION THAT IS BEING
CIRCULATED FOR SIGNATURES ON OR BEFORE THE EFFECTIVE DATE OF THE
AMENDATORY ACT THAT ADDED THIS SUBSECTION.]

7 Sec. 558. (1) When filing a nominating petition, qualifying
8 petition, filing fee, or affidavit of candidacy for a federal,
9 county, state, city, township, village, or school district office
10 in any election, a candidate shall file with the officer with whom
11 the petitions, fee, or affidavit is filed 2 copies of an affidavit
12 of identity. A candidate nominated for a federal, state, county,
13 city, township, or village office at a political party convention
14 or caucus shall file an affidavit of identity within 1 business day
15 after being nominated with the secretary of state. The affidavit of
16 identity filing requirement does not apply to a candidate nominated
17 for the office of president of the United States or vice president
18 of the United States.

19 (2) An affidavit of identity shall contain the candidate's
20 name, address, and ward and precinct where registered, if qualified
21 to vote at that election; a statement that the candidate is a
22 citizen of the United States; the candidate's number of years of
23 residence in the state and county; other information that may be
24 required to satisfy the officer as to the identity of the
25 candidate; the manner in which the candidate wishes to have his or
26 her name appear on the ballot; and a statement that the candidate
27 either is or is not using a name, whether a given name, a surname,

1 or otherwise, that is not a name that he or she was given at birth.
2 If a candidate is using a name that is not a name that he or she
3 was given at birth, the candidate shall include on the affidavit of
4 identity the candidate's full former name.

5 (3) The requirement to indicate a name change on the affidavit
6 of identity does not apply if the name in question is 1 of the
7 following:

8 (a) A name that was formally changed at least 10 years before
9 filing as a candidate.

10 (b) A name that was changed in a certificate of naturalization
11 issued by a federal district court at the time the individual
12 became a naturalized citizen at least 10 years before filing as a
13 candidate.

14 (c) A name that was changed because of marriage.

15 (d) A name that was changed because of divorce, but only if to
16 a legal name by which the individual was previously known.

17 **(E) A NAME THAT CONSTITUTES A COMMON LAW NAME AS PROVIDED IN**
18 **SECTION 560B.**

19 (4) An affidavit of identity shall include a statement that as
20 of the date of the affidavit, all statements, reports, late filing
21 fees, and fines required of the candidate or any candidate
22 committee organized to support the candidate's election under the
23 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282,
24 have been filed or paid; and a statement that the candidate
25 acknowledges that making a false statement in the affidavit is
26 perjury, punishable by a fine up to \$1,000.00 or imprisonment for
27 up to 5 years, or both. If a candidate files the affidavit of

1 identity with an officer other than the county clerk or secretary
2 of state, the officer shall immediately forward to the county clerk
3 1 copy of the affidavit of identity by first-class mail. The county
4 clerk shall immediately forward 1 copy of the affidavit of identity
5 for state and federal candidates to the secretary of state by
6 first-class mail. An officer shall not certify to the board of
7 election commissioners the name of a candidate who fails to comply
8 with this section.

9 (5) If petitions or filing fees are filed by or in behalf of a
10 candidate for more than 1 office, either federal, state, county,
11 city, village, township, or school district, the terms of which run
12 concurrently or overlap, the candidate so filing, or in behalf of
13 whom petitions or fees were so filed, shall select the 1 office to
14 which his or her candidacy is restricted within 3 days after the
15 last day for the filing of petitions or filing fees unless the
16 petitions or filing fees are filed for 2 offices that are combined
17 or for offices that are not incompatible. Failure to make the
18 selection disqualifies a candidate with respect to each office for
19 which petitions or fees were so filed and the name of the candidate
20 shall not be printed upon the ballot for those offices. A vote cast
21 for that candidate at the ensuing primary or general election shall
22 not be counted and is void.

23 Sec. 560b. (1) A candidate required to indicate a name change
24 on the affidavit of identity under section 558 shall be listed on
25 the ballot with his or her current name and former name as
26 prescribed by the secretary of state.

27 (2) Subject to subsections (3) and (4), both a candidate's

1 given name and surname that he or she was given at birth, and only
2 those names, shall appear on the ballot, except under 1 of the
3 following circumstances:

4 (a) The name in question, whether a given name, a surname, or
5 otherwise, is a name that was formally changed.

6 (b) The candidate is subject to subsection (1).

7 (c) The name in question, whether a given name, a surname, or
8 otherwise, is 1 of the following:

9 (i) A name that was changed in a certificate of naturalization
10 issued by a federal district court at the time the individual
11 became a naturalized citizen at least 10 years before filing as a
12 candidate.

13 (ii) A name that was changed because of marriage.

14 (iii) A name that was changed because of divorce, but only if to
15 a legal name by which the individual was previously known.

16 (3) A candidate may specify that both his or her given name
17 and middle name, or only a middle name, shall appear on the ballot.
18 A candidate may specify that either an initial or a recognized
19 diminutive for the candidate's given or middle name, or for both,
20 shall appear on the ballot. **IN ADDITION, A CANDIDATE MAY SPECIFY**
21 **THAT A COMMON LAW NAME USED IN ACCORDANCE WITH MICHIGAN DEPARTMENT**
22 **OF STATE GUIDELINES FOR USE OF A COMMON LAW NAME ON A DRIVER**
23 **LICENSE OR STATE PERSONAL IDENTIFICATION CARD SHALL APPEAR ON THAT**
24 **BALLOT.**

25 (4) A candidate is prohibited from specifying that a nickname
26 that is not a recognized diminutive of the candidate's **COMMON LAW**
27 **NAME**, given name, or middle name appear on the ballot. A married

1 individual is prohibited from specifying that his or her spouse's
2 given name, or an alternative for that given name otherwise
3 permitted under subsection (3), appear on the ballot.

4 (5) A ballot that would violate this section shall not be
5 produced, printed, or distributed.

6 Enacting section 1. Sections 474, 649, and 707 of the Michigan
7 election law, 1954 PA 116, MCL 168.474, 168.649, and 168.707, are
8 repealed.